

FRIDAY, 9 o'clock, A. M., February 8, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Cook, Davis, Gage, Grimes, Hart, Kinney, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The journals of yesterday were read and adopted.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported that a joint resolution for the relief of A. H. Cook and James Smith, was presented to the Governor for his approval, on the 7th instant.

Mr. Van Derlip, from the committee of Conference on a bill to fix the salaries and *per diem* pay of officers, not fixed by law, reported as follows:

* * No report in copy furnished the Printer.

Mr. Portis, chairman of the committee on Education, to which was referred an act to incorporate the Lockhart Academy, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Phillips, chairman of the Judiciary committee, to which was referred a bill to provide for the registry of land titles and foreign instruments of writing, reported the same back with an amendment, and recommended its passage.

Add to the 5th section:

"That nothing herein contained, shall be construed to give to any of the titles or grants, or other instruments of writing named herein, any other force or effect as evidence, than they would have if they were not so recorded, nor shall any such record be evidence of the existence of any such title or grant, or other instrument of writing."

ORDERS OF THE DAY.

A bill to establish the court of organization in and for the county of Santa Fé, and to define its jurisdiction; read second time.

On motion of Mr. Phillips, made the special order of the day for the 9th instant.

A bill to prescribe the time of holding the District courts in and for Montgomery county; read third time.

On motion of Mr. Grimes, laid on the table.

A message from the House of Representatives, informing the Senate that the House had passed the following bills:

A bill to incorporate the Jasper Cotton Manufacturing Company.

A bill to make an appropriation of money to build a fire-proof land office.

Also, that the House had passed the following bills, originating in the Senate :

A bill to authorize Bartlett Simms to raise a location therein named, and to locate the same on any vacant land.

A bill to authorize and require the Auditor and Comptroller to audit and allow as a valid claim against the Republic of Texas, a debt contracted to pay the expenses of the escort of General Santa Anna, from Texas to Washington city.

A bill supplementary to an act regulating elections, passed March 16, 1848 ; with amendments.

Refused to concur ; and,

Messrs. Pease, Taylor and Ward, appointed a committee of Conference.

Also, that the House refused to recede from their amendments to an act to incorporate the Brazos, San Bernard and Oyster Creek Canal Navigation Company, upon the report of the committee of Conference, which committee failed to agree.

Also, that the House had passed the Senate's bill for the relief of all just and bona fide holders of, or claimants to lands granted by the government of Spain, &c., with amendments.

Also, a concurrence in the amendment of the Senate to a bill for the relief of the heirs of Jesse Bledsoe ; and

Had adopted the substitute of the Senate to House bill to legalize certain headright certificates, issued by the County court of Refugio county.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, February 8, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills have examined the following bills and resolutions, and find them correctly enrolled, viz :

The joint resolution for the relief of John P. Rosier.

The bill to define the time of holding the courts in the twelfth judicial district.

The bill to authorize Raily English, Thomas Cowart and their associates, to construct a turnpike road from the town of Bonham in the county of Fannin, across the Bois D'arc bottom, to the high land on the east side of said stream, in the direction of the town of Paris, in Lamar county.

The bill to define the boundary line between Gonzales and Caldwell counties.

The bill for the relief of Melville Langham.

The bill to incorporate the LaFayette Academy, in the county of Matagorda.

The bill to extend the provisions of the act entitled an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848.

The bill to incorporate the Galveston and Brazos Navigation Company.

The bill for the relief of William McMasters, late Sheriff of Brazoria county.

The bill more permanently locating the seat of justice of Grayson county.

The bill for the relief of Martha McBride and Martha Garrett.

The bill to create the county of Uvalde.

The bill for the relief of Greenberry Logan and Joseph Taylor.

The bill regulating estrays.

The bill to amend an act entitled an act to establish the Judicial districts of the District courts.

And the bill requiring the Commissioners appointed by an act entitled an act creating the county of Cherokee, approved April 11th, 1846, to deliver up certain documents and monies therein mentioned.

A bill to amend an act for the incorporation of the city of Laredo; read third time and passed.

A joint resolution for the relief of Green K. Cessna and Nancy K. Cessna, together with the report of the committee on Private Land Claims, recommending its passage; read and passed to a third reading.

Mr. Pease, from the Judiciary committee, to which was referred the bill to amend the 4th section of an act approved March 13th, 1848, entitled an act to amend sections 10, 11, 13 and 22, of an act to organize the Supreme court of the State of Texas, approved May 12, 1846, reported a substitute therefor, and recommended its passage.

On motion of Mr. Pease, the rule requiring reports to lie on the table one day, was suspended; report taken up and adopted; bill passed to a third reading.

On motion of Mr. Wallace, the rule was suspended; bill read third time and passed.

A bill to authorize the printing of 500 copies additional of the laws passed at the session of the Legislature, in the years 1849

and 1850, together with the report of the committee on Finance; read and report adopted.

Mr. Grimes, chairman of the Finance committee, made the following report:

Resolved by the Senate, the House concurring, that the committee on Printing of the two Houses, be instructed jointly to contract for the printing of one thousand copies of the report and accompanying documents of the Joint committee to examine the books and vouchers in the Comptroller's and Treasurer's office; and that the receipt of the Secretary of State that the same has been deposited in his office, shall be sufficient authority for the Comptroller to draw on the Treasurer for the amount stipulated in the contract. And that the Secretary of State be required to transmit ten copies to each member of the present Legislature, one copy to the Chief Justice, Clerk of the District court and County court of each of the counties of this State.

On motion of Mr. Grimes, the rule requiring reports to lie on the table one day, was suspended, and bill and report taken up; read second time, amendments adopted, and bill ordered to be engrossed.

On motion of Mr. Robertson, the rule was suspended; bill read third time.

Mr. Pease offered the following amendment:

In 1st section, strike out 3d line and insert "employed by the Comptroller of Public Accounts."

In 12th section, 1st line, strike out "Governor," and insert "employed by the Comptroller of Public Accounts."

Upon the adoption of which, the yeas and nays stood thus:

Yeas: Messrs. Gage, Hart, Pease, Phillips, Taylor, Ward and Wallace—7.

Nays: Messrs. Brashear, Burleson, Cooke, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Truit and Van Derlip—13. Lost.

Mr. Phillips moved to amend, so as to leave the appointing power with the Governor.

Upon which, the yeas and nays were called, and stood thus:

Yeas: Messrs. Burleson, Gage, Hart, Kinney, Latimer, Pease, Phillips, Portis, Van Derlip, Ward and Wallace—11.

Nays: Messrs. Brashear, Cooke, Grimes, McRae, Moffett, Robertson, Taylor and Truit—8.

Lost, two-thirds not voting for it.

Mr. Pease moved to reconsider the vote which suspended the rule that the bill might pass to third reading. Lost.

Mr. Portis moved to fill the first blank in 14th section with "ten." Carried.

Mr. Grimes moved to fill second blank in same section, with "five."

Mr. Ward moved to amend by inserting "ten." Lost.

The question on Mr. Grimes' amendment, was taken and carried.

Mr. Ward moved to fill the third blank with "one." Carried.

The question being on the passage of the bill, and the yeas and nays being called, stood thus:

Yeas: Messrs. Davis, Grimes, Latimer, Moffett, Robertson and Ward—6.

Nays: Messrs. Brashear, Burleson, Cooke, Gage, Kinney, Parker, Pease, Portis, Taylor, Truit, Van Derlip and Walker—12.

Refused to pass the bill.

The resolution accompanying the report was taken up and read.

Mr. Robertson moved to strike out "500," and insert "1500." Lost.

Mr. Gage moved to strike out "500," and insert "1000." Carried.

Mr. Gage moved to strike out "one," and insert "ten." Carried.

The resolution was then adopted.

Mr. Van Derlip, one of the committee on Enrolled Bills, reported an act to provide for the investigation of land titles, in certain counties therein named, correctly enrolled.

Mr. Truit, by leave, introduced a joint resolution authorizing and requiring the Governor to appoint delegates to represent the State of Texas in the Southern Convention, to assemble in the city of Nashville, Tennessee, in June next; read first time.

On motion of Mr. Truit, the rule was suspended; read second time.

Mr. Portis offered the following amendment:

Insert in 1st resolution, "and that two delegates be elected by the people of each Congressional district, on the first Monday in March next."

Mr. Taylor moved to refer the bill to the committee on State Affairs.

Upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Brashear, Grimes, Hart, Kinney, Moffett, Pease, Taylor, Van Derlip and Wallace—9.

Nays : Messrs. Burleson, Davis, Gage, Latimer, Parker, Portis, Robertson, Truit and Ward—9.

There being a tie, the President voted for the reference.

A message was received from the House, that the House had passed a bill originating in the Senate, for the relief of Wm. W. Wallace ; and concur in the amendments of Senate, to a bill for the relief of Edward Miles.

And had passed a bill originating in the House, to provide a remedy for the loss or destruction of records or papers pertaining to proceedings in the courts of this State.

The report of the committee of Conference, on the salary bill ; was read.

The yeas and nays being called on its adoption, stood thus :

Yeas : Messrs. Brashear, Cook, Davis, Kinney, Pease, Phillips, Portis, Robertson and Van Derlip—9.

Nays : Messrs. Burleson, Gage, Grimes, Hart, Latimer, Moffett, Parker, Taylor, Truit, Ward, Walker and Wallace—12. Lost.

A message was received from the House, informing the Senate that the House had passed a joint resolution authorizing the Supreme court to hold its sessions in the capitol of the State.

Mr. Taylor, from the committee on Engrossed Bills, made the following report :

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Engrossed Bills, have examined a joint resolution, proposing an amendment to the Constitution, and find the same correct.

Mr. Kinney moved to take a bill from the table in relation to frontier protection.

Upon which, the yeas and nays were called, and stood thus :

Yeas : Messrs. Brashear, Burleson, Cooke, Davis, Kinney, Parker, Portis, Robertson, Truit and Walker—10.

Nays : Messrs. Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Van Derlip, Ward and Wallace—12. Lost.

Mr. Van Derlip made the following reports :

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate.

The committee on Enrolled Bills have examined a bill for the relief of William W. Wallace, and find the same correctly enrolled.

The joint committee on Enrolled Bills, having previously examined the bill entitled an act to provide for the investigation of

land titles, in certain counties therein mentioned, and the same having been signed by the President of the Senate and the Speaker of the House of Representatives, was this day presented to the Governor for his approval and signature.

Joint resolution proposing an amendment to the Constitution; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Van Derlip and Ward—16.

Nays: Messrs. Hart, Latimer, Robertson and Walker—4.

A bill for the relief of all just and bona fide holders or claimants to land granted by the government of Spain, &c., &c., with amendments from the House.

Senate refused to concur in first amendment.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, to wit:

The bill for the relief of the heirs of Tiltford Baker; and

The bill to authorize Bartlett Simms to raise a location therein named, and to locate the same on any vacant land.

Mr. Ward, from the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Enrolled Bills, have examined the following bills and joint resolutions, and the same having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to the Governor for his examination, viz:

A bill to authorize the Commissioner of the General Land Office, to receive from the Secretary of State, the archives of Martin De Leon's Colony, and deposit the same in the General Land Office.

An act for the relief of the heirs and legal representatives of Wm. Wallace, who fell at Goliad.

Joint resolution for the relief of Samuel G. Norvell.

A bill for the relief of Charles S. Stanley.

Joint resolution granting the right of way to the United States for a Rail-Road to the Pacific ocean.

A bill to establish the time of holding the District courts in the first Judicial district.

On motion of Mr. Gage, the Senate adjourned until half-past 2 o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

The question before the Senate at its adjournment, being on a concurrence in the amendment of the House to a bill for the relief of all just and bona fide holders or claimants to land, &c.; the bill was then taken up, and on a consideration of the amendment.

Mr. Phillips moved to reconsider the vote refusing to concur in first amendment. Carried.

1st amendment concurred in.

2d amendment concurred in.

3d amendment concurred in.

4th amendment concurred in.

The report of the committee of Conference on a bill to incorporate the Brazos, Colorado and Oyster Creek Navigation Company, reporting a disagreement; read.

On motion of Mr. Pease, another committee of Conference was appointed.

Messrs. Phillips, Van Derlip and Robertson, were appointed said committee.

Mr. Moffett, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Engrossed Bills have examined the following bill, and find it correctly engrossed, viz:

A bill to be entitled an act to prevent and punish nefarious trading or traffic with Indians on the frontier of the State.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, February 8, 1850.

HON. JOHN A. GREER,

President of the Senate:

The bill to authorize Bartlett Simms to raise a location therein named, and to locate the same on any vacant land.

The bill for the relief of the heirs of Telford Baker; and

The bill for the relief of William W. Wallace.

Were this day presented to the Governor of the State.

Mr. Truit moved to reconsider the vote which refused to pass a bill to provide for settling the fiscal affairs of the late Republic of Texas, and for the more prompt collection of the revenue accruing under the State of Texas.

Carried, and vote reconsidered.

Mr. Portis offered the following amendment:

Strike out "shall be elected by joint ballot of the Legislature," and insert "appointed by the Governor."

The amendment was decided to be out of order, a similar amendment having been rejected this day to the same bill.

Mr. Taylor moved to strike out that portion of the bill which relates to the revenue of the State.

The yeas and nays being called on its adoption, stood thus:

Yeas: Messrs. Cooke, Gage, Grimes, Kinney, Moffett, Parker, Portis, Taylor, Truit, Walker and Wallace—11

Nays: Messrs. Brashear, Burleson, Davis, Hart, Latimer, Pease, Phillips, Robertson and Van Derlip—9.

Lost, two-thirds not voting for it.

Mr. Grimes moved to recommit the bill to the committee on Finance. Carried.

Mr. Wallace moved to take from the table, and place among the orders of the day, a joint resolution authorizing R. S. Neighbors to draw his salary in advance. Carried.

A bill making an appropriation in money, to build a fire-proof land office; read first time.

A bill to prevent and to punish nefarious trading and traffic with Indians, on the frontier of Texas; read third time.

Mr. Phillips moved to strike out the preamble. Carried.

Mr. Robertson offered the following amendments, to wit:

Fill first blank with "fifty."

Fill second blank with "ten."

Add to the 1st section, "shall on conviction thereof, forfeit and pay the sum of \$500."

1st amendment adopted.

2d amendment rejected.

3d amendment adopted.

Mr. Parker moved to fill the blank in second section, with "eight."

Mr. Robertson moved to amend by inserting "twenty-five."

Mr. Parker accepted.

Mr. Phillips moved to strike out the proviso to 2d section, and insert "provided that any party receiving such license, shall

give bond and security as the Governor shall direct, for a strict compliance with the provisions of this act.

The yeas and nays being called on the passage of the bill, stood thus :

Yeas : Messrs. Brashear, Grimes, McRae, Moffett, Parker, Portis, Robertson, Truit and Walker—9.

Nays : Messrs. Davis, Gage, Kinney, Latimer, Pease, Phillips, Van Derlip, Ward and Wallace—9.

There being a tie, the President voted for the passage of the bill.

A message was received from the House, informing the Senate that the House had re-referred the bill in relation to the 5th, 6th and 8th districts, to the same committee of Conference, which acted on the bill previously.

A bill to change the name of George Harral to George W. Gibbs ; read first time.

On motion of Mr. Gage, the rule was suspended ; bill read second time and passed to a third reading.

On motion of Mr. Portis, the rule was further suspended ; bill read third time and passed.

A joint resolution authorizing R. S. Neighbors to draw his salary in advance ; read third time and passed, by the following vote :

Yeas : Messrs. Brashear, Davis, Kinney, Moffett, Latimer, Pease, Phillips, Portis, Robertson, Truit, Van Derlip and Wallace—12.

Nays : Messrs. Gage, Grimes, McRae, Parker, Taylor, Ward and Walker—7.

Mr. Robertson, chairman of the committee on State Affairs, made the following report :

COMMITTEE ROOM, Feb. 8th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on State Affairs, to whom was referred a joint resolution, authorizing and requiring the Governor to appoint Delegates to represent the State of Texas in the Southern Convention, to be held in the city of Nashville, Tennessee, in June next ; have considered the same, and a majority of said committee have instructed me to report the bill back to the Senate, and recommend the passage of the resolution, without amendment.

J. B. ROBERTSON, *Chairman.*

Mr. Phillips moved to refer the bill to a Select committee. Upon which, the yeas and nays were called, and stood thus :

Yeas : Messrs. Gage, Davis, McRae, Pease, Phillips, Taylor, Van Derlip, Ward and Wallace—9.

Nays : Messrs. Brashear, Cooke, Davis, Kinney, Latimer, Moffett, Parker, Portis, Robertson, Truit and Walker—11. Lost.

Mr. Gage moved to refer the bill to the committee on the Judiciary.

Upon which, the yeas and nays were called, and stood thus :

Yeas : Messrs. Cooke, Davis, Gage, Grimes, McRae, Pease, Phillips, Taylor, Van Derlip and Wallace—10.

Nays : Messrs. Brashear, Kinney, Latimer, Moffett, Parker, Portis, Robertson, Truit, Ward and Walker, Mr. Grimes in the chair—11. Lost.

Mr. Pease offered a substitute.

Mr. Robertson moved the previous question.

The yeas and nays being called, were as follows :

Yeas : Messrs. Brashear, Davis, Kinney, Latimer, Robertson Truit and Ward—7.

Nays : Messrs. Cooke, Gage, Grimes, Hart, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Walker and Wallace—14. Lost.

The question being on the adoption of the substitute offered by Mr. Pease.

Mr. Portis offered an amendments, insert in preamble after "convention," "which is to meet at Nashville, Tennessee, on the first Mouday in June next." Carried.

Insert after 1st section, "and that the Governor of this State be, and he is hereby authorized and required to appoint, without regard to political sentiment, four delegates to attend said Convention, on the part of the State of Texas."

Mr. Wallace moved to refer the bill, substitute and amendments to the committee on the Judiciary.

Yeas : Messrs. Gage, Grimes, Hart, Pease, Phillips, Portis, Cooke, Taylor, Van Derlip, Ward and Wallace—11.

Nays : Messrs. Davis, Kinney, Latimer, Moffett, Parker, Portis, Robertson, Truit and Walker—9. Carried.

Mr. Portis, by leave, introduced a bill for the relief of the heirs of Louis P. Cooke ; read first time.

Mr. Portis moved to suspend the rule. Carried ; bill read second time. Rule further suspended, and bill read third time and passed.

A bill to change the name of Jesse Gilliam to that of Jesse Tarrant Gilliam ; read first time.

A message was received from the House, informing the Senate that the House had passed the following bills:

A bill to provide for the assessment and collection of Taxes ; read first time.

On motion of Mr. Gage, the rule was suspended ; bill read second time and referred to the committee on Finance.

A bill to amend the third section of an act entitled an act to organize the District courts, and to define their powers and jurisdiction ; read first time.

On motion of Mr. Pease, the rule was suspended ; bill read second time, and referred to the Judiciary committee.

A bill making an appropriation to enable the Governor to procure and have copied for the benefit of the several counties in this State, a full set of weights and measures ; read second time and passed to a third reading.

On motion of Mr. Kinney, a bill for the relief of Wm. M. Williams, was taken up and placed among the orders of the day.

A message was received from the House, informing the Senate that the House had appointed Messrs. Bryan, Franklin, Bee and Shaw, a committee to act conjointly with the committee appointed by the Senate on an act to incorporate the Brazos, San Bernard and Oyster Creek Canal and Navigation Company.

A joint resolution authorizing the Supreme court to hold their sessions in the capital of the State ; read first time.

On motion of Mr. Parker, the rule was suspended ; bill read second time and referred to the committee on State Affairs.

A bill to incorporate the Jasper Cotton Manufacturing Company ; read first time.

On motion of Mr. Moffett, the rule was suspended ; bill read second time and passed to a third reading.

On motion of Mr. Moffett, the rule was further suspended ; bill read third time.

The yeas and nays were on its passage.

Yeas : Messrs. Cooke, Gage, Grimes, Hart, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Ward, Walker and Wallace. There being no quorum,

On motion of Mr. Portis, the Senate adjourned.